

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	CERTIFICATION OF A
)	SEXUALLY DANGEROUS PERSON
BARCLAY VAN BUREN,)	
Register Number 11437-052,)	
)	
Respondent.)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

Respectfully submitted, this 23rd day of June, 2010.

George E. B. Holding
United States Attorney

BY: /s/ R.A. Renfer, Jr.
R. A. RENFER, JR.
Assistant United States Attorney
Attorney for Petitioner
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N.C. Bar #11201

CERTIFICATE OF SERVICE

This is to certify that I have this 23rd day of June, 2010, served a copy of the foregoing upon the Respondent in this action by placing the documents in the U.S. Mail addressed to:

Barclay Van Buren
#11437-052
FCI
PO Box 1000
Butner, NC 27509

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Office of the Federal Public Defender
150 Fayetteville Street Mall
Suite 450
Raleigh, North Carolina 27601

BY: /s/ R.A.Renfer, Jr.
R. A. RENFER, JR.
Assistant United States Attorney
Attorney for Petitioner
Chief, Civil Division
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Raleigh, NC 27601-1461
Telephone: (919) 856-4582
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CERTIFICATION OF A SEXUALLY DANGEROUS PERSON

(1) I, Ivonne E. Bazerman, am Acting Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248(a).

(2) Bureau records reflect the following: Inmate Barclay Van Buren, Register Number 11437-052, is in Bureau custody at the Federal Correctional Institution, Butner, North Carolina, in service of a five-month term of imprisonment and lifetime supervised release, following the revocation of his supervised release. His original sentence was a 16-month term of imprisonment and lifetime supervised release, following his conviction for Failure to Register Under the Sex Offender Registration and Notification Act, in violation of 18 U.S.C. § 2250(a) (N.D.N.Y.) (Case No. DNYN308CR000198-001). His projected release date is June 24, 2010.

(3) Based on a review of his Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by

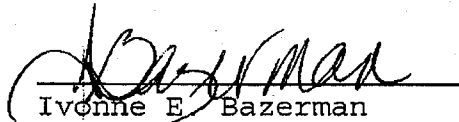
18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

(a) He previously engaged or attempted to engage in sexually violent conduct or child molestation as evidenced by his prior convictions for: Public Lewdness, in Union Town Court, Union, New York (Docket No. CR11-114), for exposing himself and masturbating in front of a woman and her three-year-old son; and Endangering the Welfare of a Child, in Conklin Town Court, Conklin, New York (Docket No. M34-35-90), for approaching an eight-year-old girl and asking, "Little girl, wanna get fucked?" and, a week later, approaching the same girl in his car and asking if she wanted to get into his car. There is also evidence that inmate Van Buren previously fondled a male child and a female child between the ages of five- and seven-years-old; fondled and digitally penetrated a six-year-old girl; fondled a minor female in a department store dressing room; fondled and digitally penetrated a mentally incapacitated adult female; and forced his girlfriend's six-year-old daughter to masturbate him and encouraged her to watch him and the girl's mother engage in sex;

(b) A psychological review and assessment indicated Axis I diagnoses of Pedophilia, Sexually Attracted to Both, Nonexclusive Type; Exhibitionism; Voyeurism; Fetishism; and Frotteurism; Axis II diagnosis of Personality Disorder Not Otherwise Specified, with Antisocial Traits;

(c) A review and assessment of him using an actuarial risk assessment instrument (Static-99R) was conducted. This result, in addition to his current and prior offense conduct, a history of revocation or failure to meet the stipulations of conditional release, a history of non-compliance with treatment while on supervision, early onset of sexual offending, poor general self-regulation and lifestyle instability, attitudes tolerant of sexual offending, paraphilic versatility, and negative social influences, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.



Ivonne E. Bazerman
Acting Chairperson
Certification Review Panel
Federal Bureau of Prisons

6/23/2010
Date

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UNITED STATES OF AMERICA,)	
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BARCLAY VAN BUREN,)	
Register Number 11437-052,)	
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At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5).

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the Respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the

appropriate fees and expenses to witnesses so subpoenaed.

Pursuant to 18 U.S.C. section 4247(b), the Court ORDERS the government to conduct a psychiatric or psychological examination of Respondent. Pursuant to this section, if the Respondent wishes to request an additional examiner, he shall request such by separate motion to this court.

Any and all future forensic reports, and other such psychological and psychiatric reports or documents relevant to this case, whether such reports are produced by the Federal Bureau of Prisons, independent examiners appointed by order of this Court, or other mental health professionals, shall be filed with this Court under seal.

The Court hereby notifies the parties that this case has been set for Hearing by videoconference at _____ AM/PM on _____. The hearing shall be held in Courtroom #2, Seventh Floor, of the Terry Sanford Federal Building, 310 New Bern Avenue, Raleigh, North Carolina.

This ____ day of _____, 2010.

UNITED STATES DISTRICT JUDGE